

billion bridge supplemental for fiscal year 2007. Of this amount, \$23 billion is devoted to "reset", that is, repair or replacement of Army and Marine Corps equipment, based on detailed requests provided by the services. The supplemental also includes a separate \$2.1 billion account for the Joint Improvised Explosive Device Defeat Organization, JIEDDO, that is dedicated to countering improvised explosive devices.

The conferees agreed to an important provision that was sponsored by Senators MCCAIN and BYRD, with the unanimous support of the Senate, that would require the President to request funds for operations in Iraq and Afghanistan in the regular budget beginning with the fiscal year 2008 budget that will be submitted next February. I strongly supported this provision. This administration has misled the American people far too often with respect to the war in Iraq. I am pleased that we have taken a major step in this bill to at least make our budgets more honest in the future by including the substantial costs we know we are going to incur in Iraq and Afghanistan. In fiscal year 2006, those costs reached a staggering \$10 billion per month. It is irresponsible to make decisions on spending and taxation without including these costs in our budgets, and in this conference report we are putting an end to that practice.

With the respect to the F-22 multiyear procurement authority, the conferees agreed to provide authority for the Air Force to enter a multiyear contract for three years, subject to a certification by the Secretary of Defense that the savings are "substantial" in view of historical multiyear contracts.

The conferees also adopted Senate legislation that requires the Secretary of Defense to initiate an independent assessment of available foreign and domestic active protection systems to assess the feasibility of their near term and long term development and deployment. Active protection systems could be placed on vehicles like Bradleys, Strykers, and tanks to shoot down incoming threats including rocket propelled grenades, RPGs, and mortars. These type of weapons represent a real and growing threat to our deployed forces.

In the area of nonproliferation programs, I am disappointed that the conference report does not include a Senate provision, authored by Senator LUGAR, to repeal all of the annual Cooperative Threat Reduction, CTR, certification requirements. These certifications have long outlived their usefulness and now only needlessly delay the CTR program. This conference report does include, however, a provision that would extend certain annual waiver authorities associated with destruction of Russian chemical weapons and fully funds the CTR programs at the Department of Defense at the budget request of \$372.1 million.

Finally, the conferees authorized \$11.7 billion for science and technology

programs that will develop technologies to transform our military. This is an increase of \$575 million over the budget request. This represents 2.7 percent of the DOD budget, still unfortunately falling short of the congressional and QDR goal of a 3-percent investment level.

On five other occasions, Senator WARNER has led us as chairman in producing an annual defense authorization bill for the President to sign. Unfortunately, because of the 6-year term limitation imposed on committee chairmen by the Republican conference, this is the sixth and last defense authorization bill that Chairman WARNER will shepherd through the process. He will have to step down as our chairman next year, but thankfully for the Nation and the Senate and for me personally, he will continue serving as a member of the Senate Armed Services Committee.

This year's process to produce a bill has been particularly difficult as people outside our conference sought to inject extraneous items into the conference. Throughout it all, Senator WARNER refused to allow such matters to be added—in the face of enormous pressure.

We all know that Senator WARNER has led a distinguished life of public service. He and I came to the Senate together in 1979 and we have served side by side on this committee continuously for the past 27-plus years. Defense authorization bills enacted over that entire period have always had JOHN WARNER's positive imprint on them.

Historically, our committee's chairmen—men such as Richard Russell and John Stennis and Sam Nunn—have been guided by one principle: Do what is right for our Nation and its military members. JOHN WARNER has followed in that fine tradition and we cannot thank him enough for it. It is very fitting that this bill is going to be named after my dear friend and our esteemed colleague, Senator JOHN WARNER. He is truly a man worthy of such a great honor.

I was keenly disappointed when the majority leader earlier tonight objected to this vital bill being acted upon. I'm hopeful that he will withdraw his objection before we adjourn, for the sake of the men and women in uniform and their families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Under the previous order, H. Con. Res. 483 is agreed to, and the motion to reconsider is laid on the table.

The resolution (H. Con. Res. 483) reads as follows:

H. CON. RES. 483

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on the legislative day of Friday, September 29, 2006, Saturday, September 30, 2006, or Sunday, October 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Thursday, November 9, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, November 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the Senate recesses or adjourns on any day from Friday, September 29, 2006, through Wednesday, October 4, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, November 9, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 9, 2006, on a motion offered by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 13, 2006, or Tuesday, November 14, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

BORDER FENCING

Mr. SESSIONS. Mr. President, I want to make a few comments on the vote we had earlier tonight, 80 to 19, on a bill on border fencing along our southern border, where 1.1 million people were apprehended last year crossing that border. We have had a few comments, pro and con today, but there hasn't been a lot of debate. It represents the fourth time we voted on this issue. So we know pretty much what the debate is. I saw no reason to delay our departure tonight. Other matters are being settled as I speak now. I think it is appropriate to take a few moments to comment on it.

No. 1, of course, the fence is not the answer. There is no one answer to reestablishing a legal system of immigration in America, but that must be our goal. If we aspire to be a great nation, a lawful nation, it is absolutely critical that we have a legal system of immigration. We should not reward those

who come illegally, but we should be generous to those who choose to come legally and comply with our rules.

We are a Nation of immigrants. We will remain a Nation of immigrants. We will continue to allow people to come to our country.

I want to say that no one thinks that building barriers at the border is going to solve, by itself, our immigration problem. But it is an important step. If we have to take 10 steps to cross the goal line, this is probably two of the steps necessary to get there. There is no need to delay. We need to get started. It takes some time to accomplish it. Fences multiply the ability of our Border Patrol agents to be successful. We have seen that on the San Diego border. We have seen just how well it has helped bring down crime, how well the property values have surged on both sides of the border—an area that was lawless, crime ridden, and drug infested is moving forward with commercial development in a healthy way. That is just the way it is. There is not anything wrong, hateful, or mean-spirited to say that we integrated a lawful border system in America. The American people understand that.

Indeed, I say to my colleagues that the American people have understood fundamentally and correctly the immigration question for 40 years. They have asked Congress and they have repeatedly asked Presidents to make sure we have a legal system of immigration. But that has not been accomplished. We have not responded to those requests.

Now we have reached an extraordinary point in our history where we have over a million people apprehended annually coming in illegally, and probably, according to many experts, just as many getting by who are not apprehended. So it is time for us to confront and fix this problem.

Another critical step in enforcement—absolutely critical—and it is one that we can accomplish with far more ease than a lot of people think, is to create a lawful system at the workplace. It is not difficult, once we set up the effective rules, to send a message to all American businesses that they need a certain kind of identification to hire someone who has come into our country. If they don't have this legal document, they are not entitled to be hired. This will work. Most businesses will comply immediately when they are told precisely what is expected of them. But that has not been the case. They have not been told what is expected of them. They, in fact, have been told if they ask too many questions of job applicants, they can be in violation of the applicant's civil rights. So lawyers tell them don't ask too many questions.

Then you complain that they have hired illegals, and they say: They gave me this document, and I didn't feel like I could inquire behind it.

So it can work. If we tell our business community what is reasonably ex-

pected of them, they will comply with it. That will represent a major leap forward in enforcement. Then we have to ask ourselves what do we do about people who only want to come here to work, and we need their labor? I believe we can do as Canada and many other developed nations have done—create a genuine temporary worker program, a genuine program.

The Senate bill passed in this body that had a section called temporary guestworker. But there was nothing temporary about them. They could come for 3 years and bring their families and their minor children, bring their wives, stay for 3 years, and then extend for 3 years, and then do it again. After 6 years or 7 years, I believe, they could apply for permanent resident status, apply for a green card. Then a few years after that, they become a citizen. How temporary is that?

What Canada says is you can come and work for 8 months. A television show interviewed some people in Canada, and they said: I may stay 4 months or 6 months. They may come and go in the interim many times because they have an identifying card that allows them to come and go for a specified period of time. That could allow us to have the surge in seasonal labor that we need in agriculture and in some other areas. But the agricultural community and other areas that say they need temporary labor have to understand that they do not get to unilaterally set the Nation's immigration policy just so they can have the immigration level, the work level, they need. They don't have that right. They are not speaking for the national interest.

This Senate speaks for the national interest. We must set the policy. Yes, we have a large number of people who are here illegally. How many of those would want to stay permanently? I don't know. I know a number of them would. So I think we will reach the point—hopefully, we can do this next year—where we confront as a Congress that dilemma.

I say to my colleagues as a person who was a Federal prosecutor for many years, do not ever think that you can just grant amnesty to someone who violated the law and that will not have a corrosive effect on respect for law in our country. Granting an amnesty is a very serious thing. It is not something you can just do because you just feel like it, or you feel that is the right thing to do. We must think that through.

My personal view is that for people who have been here a long time and had a good record and have done well but came illegally, we ought to be able to figure out a way that they can stay here and live here. They should not be given every single benefit that we give American citizens, or people who come here legally; otherwise, what is the difference whether you came legally or illegally? Do you see the moral point here. You simply cannot do that and

think it has no consequences on the rule of law. So we can reach an agreement on that. It is within our grasp, I suggest, to deal with that most difficult problem of how to deal with people who come to our country illegally.

Finally, the Nation's fundamental approach to immigration is fatally flawed. It makes no sense. It has been wrong for many years. Today, only 20 percent of the people who come into our country come in on any merit-based program. Most come in on relationships with someone already here. Many have come illegally and they obtained amnesty in the past. They look to do that again.

There are many other ways that people come here. But a very small percentage of the people who come to our country today come here as a result of having met certain qualifications that relate to education or job skills. That is not the right approach.

I have looked and met with the top Canadian officials. I met with and talked with top officials of the Australian Government to talk about their program. Both of those programs, and also New Zealand and the United Kingdom, to a lesser degree, France, and other countries are moving to what they call a point system. This is a system by which applicants are evaluated on what they bring to the nation. It is founded on a simple concept that those nations have decided is important to them.

The concept is this: Immigration should serve the national interest. How simple is that? In my committee of Health, Education, Labor, and Pensions, and in my Committee on the Judiciary, we have had a few hearings on this at my request in both cases. Very few Senators attended, frankly.

Repeatedly the witnesses would say: The first question you people in the United States, you policymakers need to decide is: Is the immigration policy you wish to establish one that furthers the national interest? If you want to further the national interest, then I can give you good advice. If your goal is to help poor people all over the world and to take the national welfare approach, then we can tell you how to do that. You have to decide what your best goals are. If your goal is simply to allow everyone who is a part of a family, even distant relatives, to come, if that is your No. 1 goal, we can create a system that does that. But fundamentally they tell us, when pressed, that an immigration system should serve the national interest.

Professor Borjas at Harvard wrote a book, probably the most authoritative book on immigration that has been written. The name of it is "Heaven's Door." He testified at our committee hearing. He made reference to the fact that we have within our immigration system a lottery. This lottery lets 50,000 people apply to come to our country from various countries all over the world. We draw 50,000 names out, and they get to come into the country,

not on merit but just pure random choice.

It makes sense under the idea when it was originally created, which was we needed more diversity, we needed people from different countries, and this would give people from different countries a chance to apply.

Professor Borjas at the Kennedy School at Harvard, himself a Cuban refugee, came here at age 12, said 5 million people apply to be in that lot from which we would choose 50,000—5 million. So if we have 5 million applicants, I ask my colleagues, and we are attempting to serve the national interest, how would we choose from that 5 million if we could only select and allow in 50,000? How would we choose if we are serving the national interest?

I submit we would do what Canada does. We would say: Do you already speak English? How well? Do you have education? How much? Do you have job skills? Are they skills that we need in Canada? How old are you? Canada—I think Australia also—believes that the national interest is served by having younger people come because they will work longer and they will pay more taxes before they go on to the Medicare and health care systems in their older age.

Are those evil concepts? Isn't it true that we would want to have people come into our country who have the best chance to succeed? Or do we believe the purpose of immigration is simply to allow certain businesses that use a lot of low-skilled labor to have all the low-skilled labor they choose to have? A willing employer and a willing worker.

Professor Borjas says there are millions and millions of people all over the world who would be delighted to come here for \$7 an hour, would love to and would come immediately if they could.

I was in South America recently. They had a poll in Nicaragua that said 60 percent of the people in Nicaragua said they would come to the United States if they could. I heard there was one in Peru where 70 percent of the people said they would come here if they could. What about all the other countries, many of them poorer? Many of them would have an even greater economic advantage to come to America than those people coming from Peru.

Obviously, more people desire to come than can come.

They would ask: I am sure you guys have talked about this as you dealt with comprehensive immigration reform; what did you all decide?

My colleagues, we never discuss this issue. We simply expand the existing program that this Government has that has failed and only 20 percent are given preference. We did add a program to give a certain number of higher educated people the right to come, but our calculations indicate that still only about 20 percent of the people who will be coming under the bill we passed will come on under a merit-based system.

Canada has over 60 percent come based on merit. New Zealand I think is even higher than that.

What we want to do, of course, is select people who have a chance to be productive, who are going to be successful, who can benefit from the American dream. It is so within our grasp. I actually have come to believe and am excited about the concept that we actually could do comprehensive reform. We can fix our borders. We absolutely can. We have already made progress. We are reaching a point where we could create a lawful system at our borders.

In addition to that, we can confront the very tough choices about how to deal with people who are here illegally. And finally, we need to develop a system for the future flow of immigrants into America.

I believe the columnist Charles Krauthammer said we should do like the National Football League does. We ought to look around the world at the millions of people who would like to come to the United States and pick the very best draft choices we can pick, pick the ones who will help America be a winning team. It will allow people to come into this country who are most likely to be successful, who speak our language, who want to be a part of this Nation and contribute to it, who have proven capabilities that means they can take jobs and be successful at them and can assimilate themselves easily into the structure of our Government.

It is exciting to think that possibility is out there. Yes, we have been talking about the fence and, yes, the fence can be seen as sort of a grim enforcement question, but it is one part of the overall effort that we are participating in at this point to create a new system of immigration, comprehensively different than we have ever had before, one that serves our national interest, one that selects the people who want to come here based on their ability to succeed in our country and be successful and be harmonious and be able to take advantage of the great opportunities this Nation provides.

It is so exciting to me, but we are going to have to let go of the bill that got through this Senate and that the House of Representatives would not even look at. The bill was nothing more than a rehash of current law, plus amnesty. It was a very, very, very bad piece of legislation. A lot of people voted against it, but it passed in this body. The House would not talk about it.

If we would take our blinders off and if we would go back and think clearly about how our Nation should do immigration and talk to one another, I believe we can make more progress than people realize, and the American people could be proud of our system.

I asked the people in Canada, and I asked the people in Australia: How do people feel about this? Are they happy with it? Yes, they are proud of it.

I said: What do you think about us talking about your program?

They said: We are proud you are looking at our program. We think it works. It is a compliment to us that you think there may be some value in it.

I don't know why we never talked about that. We never had a single hearing in which the Canadians or Australians were asked to testify. These are countries that believe in the rule of law. Both of them say they have a high degree of enforcement. Yes, there are people who abuse the law, but they have a legal system and it works.

Canada has workers who come and work for 8 months, and they go back home to their families. They can work 6 months; they can work 4 months. That is a temporary guest worker program. Then they have an asylum program where they take a certain number of people, like we have always done, who have been persecuted and oppressed. We will continue to do that. That is not a merit-based system. That is a system where we do it for humanitarian reasons.

Fundamentally, the principle of our Nation, as we develop a new immigration policy, should be to serve our national interests. I believe we have that within our grasp.

This step of building border barriers is important for two reasons: One, it is critical to creating a lawful system. No. 2, it is critical to establishing credibility with the American people because they rightly doubt our commitment, based on history, to do the right thing about immigration. They doubt that we are committed to doing the right thing. This is a good step to show them that we are, and then I think as we talk about some of these more difficult issues, we can have some credibility with our people when we ask them to make some tough decisions about how to handle immigration in the future.

Mr. President, I thank you for the opportunity to share these thoughts.

A LESSON IN CHERRY-PICKING AND POLITICIZING OUR NATION'S INTELLIGENCE: THE TERRORISM NIE DECLASSIFIED

Mr. HATCH. Mr. President, with the President's recent declassification of the Key Judgments of the April National Intelligence Estimate, NIE, on Terrorism, the American public can get from the Democrats an object lesson in perfect irony.

For years, the Democrats have accused the Bush administration of cherry-picking intelligence to lead the country to war in Iraq. Yet here they are cherry-picking intelligence out of this report to make a media circus right before the upcoming election.

First, let me define what I mean by "cherry-picking." This refers to a selective use of intelligence to make a politically persuasive argument. It is a